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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,606		08/22/2003	Ralf Meyer	P23941	9475
7055	7590	12/13/2006		EXAMINER	
		BERNSTEIN, P.	MAYES, DIONNE WALLS		
1950 ROLA RESTON, V		ARKE PLACE		ART UNIT	PAPER NUMBER
1001011,	20	- 20.5.		1731	
			•	DATE MAIL ED: 12/13/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
		10/645,606	MEYER ET AL.			
	Office Action Summary	Examiner	Art Unit			
		Dionne Walls Mayes	1731			
Period fo	The MAILING DATE of this communication ap	ppears on the cover sheet with th	e correspondence address			
A SHO WHIC - Exter after - If NO - Failur Any r	ORTENED STATUTORY PERIOD FOR REPLEMENTED IN LONGER, FROM THE MAILING Insions of time may be available under the provisions of 37 CFR 1 SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statuely received by the Office later than three months after the mailing datent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply but will apply and will expire SIX (6) MONTHS fute, cause the application to become ABANDO	ON. e timely filed rom the mailing date of this communication. DNED (35 U.S.C. § 133).			
Status						
2a)□	Responsive to communication(s) filed on 22 in This action is FINAL . 2b) The Since this application is in condition for allowed closed in accordance with the practice under	is action is non-final. ance except for formal matters,	•			
Dispositi	on of Claims					
5)□ 6)⊠ 7)□	Claim(s) 1 and 4-34 is/are pending in the app 4a) Of the above claim(s) 4-14 and 21-30 is/a Claim(s) is/are allowed. Claim(s) 15-20 and 31-34 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/	re withdrawn from consideration	1.			
Applicati	on Papers					
10)□	The specification is objected to by the Examin The drawing(s) filed on is/are: a) ac ac Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the E	ccepted or b) objected to by the drawing(s) be held in abeyance. Section is required if the drawing(s) is	See 37 CFR 1.85(a). objected to. See 37 CFR 1.121(d).			
Priority u	nder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment	c(s)					
2) D Notice 3) D Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4) Interview Summ Paper No(s)/Mai 5) Notice of Inform 6) Other:	l Date			

Reopening of Prosecution

Applicant's arguments filed on November 22, 2006 with respect to the rejection of elected claims under 35 USC 112-1 have been fully considered and are persuasive in view of the amendment made to the claims. However, upon further consideration, a new ground of rejection is made over Rudzinat (US. Pat. No. 3,306,306). In view of the discovery of the above-cited art, PROSECUTION IS HEREBY REOPENED as set forth below. Therefore, the FINALITY of the rejection of the last Office Action, dated August 22, 2006 has been WITHDRAWN.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 15-20 and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Rudzinat (US. Pat. No. 3,306,306).

Rudzinat discloses all that is recited in the claims since it teaches an apparatus for producing multi-segmented cigarettes, comprising hoppers 1 and 101 (corresponding to the claimed "at least tow units structured and arranged to provide at least two different types of filter segments"); saddle wheels 2 and 102 (corresponding to the claimed "assembling device coupled to said plurality of filter segment units to axially align the produced plurality of filter segments of different types" as recited in claim 31); aligning drums 10 and 110 (corresponding to the claimed "first assembling

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device structured and arranged to assemble the at least two different types of filter segments into groups"); staggering drums 5 and 105 (corresponding to the claimed "separation device structured and arranged to divide the groups into part groups/sliding drum"); and shuffling drum 22 (corresponding to the claimed "device by which the part groups are arranged in a such a manner that the filter segments of the part groups are adjoined in a lengthwise manner".)

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rudzinat (US. Pat. No. 3,306,306).

While Rudzinat may not specifically disclose the claimed transfer conveyor and insertion wheel, it would have been obvious to one having ordinary skill in the art at the time of the invention to have provided for such devices to form a rod since such elements are conventional in the production of filter cigarettes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne Walls Mayes whose telephone number is (571) 272-1195. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dionne Walls Mayes

Primary Examiner

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December 12, 2006